

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MATTHEW EARL JASON PEOPLES,)	
)	
Petitioner,)	
vs.)	NO. CIV-10-0373-HE
)	
JIM BAUMAN, Sheriff,)	
)	
Respondent.)	


ORDER

Petitioner Matthew Earl Jason Peoples, a state prisoner appearing *pro se*, filed this case pursuant to 28 U.S.C. § 2254, seeking habeas relief from his state court conviction. Petitioner also submitted a motion for leave to proceed *in forma pauperis* with his petition. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred for initial proceedings to Magistrate Judge Gary Purcell, who has recommended that the petition for writ of habeas corpus be dismissed without prejudice and petitioner's motion for leave to proceed *in forma pauperis* be denied as moot. Objections to Judge Purcell's Report and Recommendation were due by June 21, 2010.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). Accordingly, the court adopts Magistrate Judge Purcell's Report and Recommendation, and **DISMISSES** without prejudice the petition for writ of habeas corpus and **DENIES** as moot the motion to proceed *in forma pauperis*.

IT IS SO ORDERED.

Dated this 22nd day of October, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE